

REMARKS

Claims 1-29 were pending at the time of the Office Action, claims 30-34 having been previously cancelled. All pending claims are rejected. Independent claim 1 is cancelled and replaced by new independent claim 35. New claims 36-38 are presented, but no fee for excess claims is required as 34 total claims have been paid for and there are presently 32 total claims.

Claim amendments

New claims 35-38 are presented, with new independent claim 35 replacing claim 1, which is now cancelled.

New claim 35 differs from claim 1 in that it requires that the instrument holder comprise a holder element with at least two receptacles, each receptacle arranged to receive and hold one of the at least two instruments. The receptacles were not expressly required previously. The washing device is also further limited from the way it was presented in claim 1. The claim is fully supported by the specification and drawings, including, for example, Fig. 3, without presenting new matter.

Rejections under 35 USC §103

The Examiner has previously made a final rejection of claims 1-29 as being obvious over the US Patent 3,552,212 to Ohlin ("Ohlin '212") in view of US Patent 5650122 to Harris ("Harris '122"). This rejection is mooted as to claim 1 by cancellation and applicant asserts that claim 35 is allowable over the combination.

In making the rejection (based on claim 1), the Examiner stated that Ohlin '212 discloses all elements of the claimed invention, except for the jet orifice, which Harris '122 discloses. Based upon the presentation of new independent claim 35, it is the applicant's position that the combination of Harris '122 with Ohlin '212 no longer provides the "missing element", so the combination rejection is no longer proper and should be withdrawn.

Directing attention to new claim 35, the "instrument holder" comprises "a holder element with at least two receptacles, each receptacle arranged to receive and hold one of the at least two instruments." Ohlin '212 teaches no embodiment with a holder element with at least two receptacles, each receptacle arranged to receive and hold one of the at least two instruments.

As now claimed, claim 35 also requires a "washing device with a central opening" where "the central opening and the holder element [of the instrument holder] are maintained in co-axial relationship as the at least two instruments pass through the central opening." While the co-axial nature of the relationship may be met by Ohlin '212, Ohlin '212 teaches a cleaning device 25 with a vertical bore 26 such that "the diameter of the bore 26 is slightly larger than the diameter of the probe portion 19, and when the probe is moved up and down into and out of the sample tubes 15, *the lower probe portion 19 passes through the bore and defines an annular space with the walls of the bore*" [emphasis added]. Col. 2, lines 67-72. An "annulus" is an unambiguous term that is defined as a space between two concentric circles on a plane. Later in Ohlin '212 (at Col. 3, lines 33-45, there is discussion of the need to carefully size this annular space, so that it is neither too big nor too small. Ohlin '212 teaches no embodiment in which the space is not annular. Since only one instrument at a time could possibly pass through the central opening in the annular manner shown in to Ohlin '212, claim 35 cannot be read on Ohlin '212.

Harris '122 is relied upon by the Examiner for teaching the angularity of the jet orifices, but it does not provide the missing element of a instrument holder with at least two receptacles, where the holder element of the instrument holder is co-axially aligned with the washing device while at least two instruments pass through the central opening.

For at least this reason, claim 35 is properly distinguished from the prior art and it should be allowed, along with its proper dependents.

Conclusion

The Applicant respectfully submits that the present application is now in condition for allowance and such action is earnestly requested. If a telephone interview is required to resolve any further issues, such a call from the Examiner is respectfully requested.

Respectfully submitted,

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By: /Stephen L. Grant, Reg No 33390/
Stephen L. Grant
Registration No. 33,390
Standley Law Group LLP
495 Metro Place South, Suite 210
Dublin, Ohio 43017-5319
Telephone: (614) 792-5555
Facsimile: (614) 792-5536